

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

PCB #: HB 7121 CS PCB DS 06-02 Disaster Preparedness, Response, and Recovery
SPONSOR(S): Domestic Security Committee, Adams and others
TIED PCBS: **IDEN./SIM. PCBS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Domestic Security Committee	9 Y, 0 N	Wiggins	Newton
1) Agriculture Committee	10 Y, 0 N	Kaiser	Reese
2) Finance & Tax Committee	6 Y, 0 N, w/CS	Noriega	Diez-Arguelles
3) Fiscal Council	17 Y, 0 N, w/CS	Darity	Kelly
4) State Administration Council	9 Y, 0 N, w/CS	Wiggins	Bussey
5)			

SUMMARY ANALYSIS

The bill directs the Department of Community Affairs (DCA) to conduct a feasibility study on incorporating into the state's emergency management plan the logistical supply and distribution of essential commodities by non-government agencies and private entities. The department is to consult with industry agencies and assistance agencies and report its findings to the Governor, the President of the Senate and to the Speaker of House of Representatives by February 1, 2007. \$76,150 is appropriated from GR for completion of the study.

The bill requires each motor fuel dispensing facility that sells motor fuel to be capable of operating its distribution racks using an alternate generated power source for a minimum of 72 hours, no later than 36 hours after a major disaster. Certain motor fuel retail outlets in close proximity of interstate highways or evacuation routes must be pre-wired with an appropriate transfer switch capable of operating all required equipment using an alternate power source. Each entity owning 10 or more motor fuel retail outlets located within a single county must maintain an appropriate number of generators to service those outlets. The bill establishes a layered criterion of requirements for ownership of additional outlets.

The bill creates the Florida Disaster Motor Fuel Supplier Program within the DCA. The voluntary program allows motor fuel retail outlets doing business in the state to participate in a network of emergency responders to provide fuel supplies and services to government agencies, medical institutions and critical responders, as well as the general public within 24 hours following the disaster. Each county governing body that chooses to participate is authorized to administer the program within certain guidelines, including charging fees to cover actual program costs.

The bill limits the prohibition against price gouging during a Governor's declared state of emergency to 60 days and requires a specific renewal statement for this prohibition.

The bill requires all multi-family dwellings that are at least 75 feet high and contain a public elevator, to have at least one public elevator that is capable of operating on an alternate power source available to residents for a number of hours each day over a 5-day period following a disaster. Any entity that operates a residential dwelling is required to provide a local building inspection agency proof of a current contract for an alternate power source. The bill specifies a statewide public disaster awareness campaign. Appropriates \$67.5 million for improvements to emergency operation centers, increase storage capacity, improve technologies, maintain supplies, and fund a public awareness campaign.

The bill has an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill pre-empts enforcement of any current, and prohibits the enactment of future local government ordinances as they relate to the provision of alternate generated power capabilities by motor fuel outlets and other retail outlets. The bill creates a motor fuel supplier program and requires specific motor fuel outlets to maintain portable generators. It also increases emergency power requirements in residential buildings and access to alternate power capabilities for motor fuel outlets identified in the bill.

Safeguard Individual Liberty: The bill directs the Department of Community Affairs to conduct a feasibility study on incorporating the distribution of essential commodities by non-government entities during a disaster into the state's emergency plan. The proposed program's purpose is to maintain normalcy before, during, and after a disaster by providing consumers with choices in obtaining their supplies.

Promote Personal Responsibility: The bill clarifies that one of the goals of the public educational campaign on emergency preparedness issues is to promote the self-sufficiency of citizens for up to 72 hours following a disaster. The bill encourages the public to make arrangements for the care of individuals with special needs or in need of assistance, to be familiar with evacuation routes, disaster plans, shelter information, and fuel and consumer suppliers.

Empower Families: The bill decreases the burdens of government on families by providing options to obtain needed supplies for their families during a disaster. The bill decreases the dependence of families on government support and/or assistance by educating the public regarding disaster preparedness. The public awareness program will specifically encourage families to prepare for disasters and review evacuation plans, thus increasing family stability.

Maintains Public Security: The Florida Disaster Motor Fuel Supplier Program assists health care facilities by enabling them to remain operational during a disaster and by assisting critical care workers to obtain fuel so they may return to work. If health care centers are able to remain operational, law enforcement may devote its time and energy to public security and disaster needs, such as recovery and rescue.

B. EFFECT OF PROPOSED CHANGES:

Background

The 2004 and 2005 hurricane seasons, specifically the devastation left from Hurricanes Wilma and Katrina, raised a number of issues across Florida on disaster preparedness, response and recovery. In an effort to better understand the issues specific to Florida's ability to deal with and recover from disasters, the Florida Domestic Security and Health Care General Committees held two joint committee meetings to hear testimony on disaster-related issues. In conjunction with the Health Care General Committee's bill on special needs sheltering, the Domestic Security Committee attempted to address areas of concern related to emergency supplies, availability of motor fuels, and disaster preparedness.

Present Situation

Following a disaster, supplies are provided to communities through government agencies and private entities such as the Department of Community Affairs (DCA) Federal Emergency Management Agency (FEMA) and the American Red Cross (ARC). Businesses that are able to maintain power during a

disaster or have an alternate power source may sell their goods and services. However, there are no identified State Emergency Response Team (SERT) businesses that provide needed supplies and fuel to the public and SERT members following a disaster. There are no provisions that allow SERT members and critical care health providers to acquire fuel during a disaster.

Distribution of Essential Commodities by Non-Governmental Entities

Private and non-governmental entities voluntarily provide supplies to effected areas during various emergencies. These actions are coordinated to a degree by local and state agencies but there is not a prescribed regimen for obtaining needed commodities following a disaster.

Motor Fuel Dispensing Facilities use of Alternate Power Source

Motor fuel terminal facilities supplying motor fuel to retail outlets around the state are currently not required to have an auxiliary source of electrical power. A lack of emergency electrical power in retail outlets creates a serious deficiency in the available mobile fuel supply prior, during, and after a disaster has occurred. Fuel remaining in the storage tanks of retail outlets is inaccessible until primary electrical power is restored. The lack of available mobile fuel directly affects the evacuation, response, and recovery efforts in a disaster area.

Florida Disaster Motor Fuel Supplier Program and Price Protections

Currently a program designed to address fuel distribution before, during and after an impending emergency in this state is not in place. Local and federal officials work together to address emergencies as needed.

When the Governor declares a state of emergency price protections under s. 501.160 F.S. are in effect. The price inflation protection is operative for the duration of the declared state of emergency.

Preemption to the State

There are currently no provisions in law under a declared state of emergency that regulate the requirements of an alternate power source at motor fuel terminal facilities, wholesalers, and retail sales outlets.

Access to Residential Multi-Family Dwellings for Emergency Purposes

According to the 2001 and 2004 Florida Building Code,¹ multi-family residential high-rise buildings² must have an emergency system that provides for emergency elevator operation and lighting. The 2004 building code intends for the emergency use of the elevator to be for evacuation, medical, and rescue assistance only and does not provide for sustained use during power losses. Certified inspectors that conduct annual elevator inspections must confirm that all installed generators are in working order and that a generator key is present in the lockbox at or near the installed generator. If the building does not have an installed generator, the inspector must confirm that the appropriate pre-wiring and switching capabilities are operational and a contract exists for an alternate power source.

¹ ss. 1016.2 and 1006.2, F.S., respectively.

² Defined as buildings having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.

Public Awareness Campaign

The Division of Emergency Management within the Department of Community Affairs is charged with developing a disaster preparedness public awareness campaign. s. 252.35 (2) (i) F. S., does not specify the parameters of the intense-public educational campaign on emergency preparedness issues.

Effect of the Bill

Feasibility Study on the Distribution of Essential Commodities

The Department of Community affairs is directed to conduct a feasibility study on incorporating into the state's emergency management plan the logistical supply and distribution of essential commodities by non-government agencies and private entities. In conducting the study, the division is directed to consult with industry and disaster relief providers and provide recommendations to the Governor, the Speaker of the Florida House of Representatives and the President of the Florida Senate by February 1, 2007. The bill also provides an appropriation of \$76,150 to the Department of Community Affairs for costs related to the study.

Motor Fuel Dispensing Facilities

The requirements in this section of the bill directly address motor fuel supply chain problems encountered during the sustained loss of electrical power and to provide for the continued flow of fuels to local distribution points during times of emergency.

The bill creates s. 526.143, F.S., requiring each motor fuel terminal dispensing facility to operate its distribution loading racks using an alternate power source for a minimum of 72 hours following a disaster. The emergency auxiliary equipment must be operational 36 hours after the disaster. All newly constructed or substantially renovated³ motor fuel retail outlets, with a certificate of occupancy on or after July 1, 2006, must also have an appropriate transfer switch capable of operating all fuel pumps using an alternate power source. The bill requires local and state inspections of auxiliary equipment and proof of those inspections to be available before a facility may be deemed to be in compliance and able to participate in a proposed fuel supplier program under this act.

By June 1, 2007, all motor fuel retail outlets that are within one-half mile of an interstate highway or a state or federally designated evacuation route must be pre-wired with an appropriate transfer switch capable of operating all required equipment using an alternate power source within the following specifications based on population:

- 16 or more fueling positions located in counties with a population of 300,000 or more;
- 12 or more fueling positions located in counties with a population of 100,000 to 299,999 ; or
- 8 or more fueling positions located in counties with a population of 99,999 or fewer.

The bill requires installation and wiring to be completed by a certified electrical contractor, with owners of motor fuel retail outlets keeping documentation of such installation on site or at its corporate headquarters. Additionally, each retail outlet must maintain written records confirming periodic testing and ensured operational capacity of the equipment. These records must be made available, upon request, to the Division of Emergency Management and the county emergency management agency.

The requirement for motor fuel retail outlets to be pre-wired does not apply to:

- Automobile dealers;
- Persons who operate a fleet of motor vehicles; or
- Persons who sell motor fuel exclusively to a fleet of motor vehicles.

³ Substantially renovated is defined as "...a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet."

Mobile generator requirements for fuel outlets

Requires corporations owning 10 or more motor fuel retail outlets located within a single county to maintain at least one portable generator that is capable of providing an alternate generated power source as required. If a corporation owns more than 10 outlets or a multiple of 10 outlets plus an additional six outlets within a single county, the corporation must provide one additional generator to accommodate such additional outlets. Each portable generator must be stored within this state, or may be stored in another state if located within 250 miles of this state, and must be available for use in an affected location within 24 hours after a disaster.

Outlets	Location of Outlet	Generator Requirements
10-15	within one county	At least one
16-25	within one county	2 stored within 250 miles and available post disaster in 24 hours
26 -35	within one county	3 portable generators stored within 250 miles and must be available within 24 hours of disaster
10	within one domestic security region and doesn't own any other outlets in other regions	Contract for use of portable generators

Florida Disaster Motor Fuel Supplier Program

This bill creates the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs. The optional program will allow motor fuel retail outlets, doing business in the state, to participate in a network of emergency responders authorized to provide fuel supplies and services before, during, and after a declared disaster. Counties choosing to participate in the program will be primarily responsible for administering the program within that county.

Businesses that participate will be issued a SERT logo for public display to alert responders and the public that the business is capable of assisting in an emergency. Counties that choose to participate in the Florida Disaster Motor Fuel Supplier Program may charge a fee to cover the actual costs of accepting a retail motor fuel outlet into the program, including the cost of performing any required review, filing of necessary form, and producing logs decals for public display. The cost of processing forms may not be charged to the program.

Businesses participating as a SERT member must be able to provide fuel dispensing services to other SERT members within 24 hours after a disaster has occurred, or demonstrate the ability to have such service available, and agree to make such service available as needed. The bill provides for SERT members to sell motor fuel through a pre-existing contract with local, state, and federal response agencies or to provide point-of-sale service to such agencies. If a motor fuel outlet has meet all the requirements of the state and local emergency management operations, SERT members may sell motor fuel to the general public, or may be directed to do so by the county or state emergency management officials. The bill provides for law enforcement security to be provided, if requested, to maintain civil order during operating hours.

SERT members must be given priority when purchasing fuel. Businesses who are SERT members may be directed to remain open for specified periods during a declared curfew to provide service for emergency management personnel. Under such direction, neither the SERT member nor the emergency management personnel will be in violation of such curfew. SERT members traveling during periods of declared curfews will be required to produce valid documentation of SERT membership. This

prioritization allows for the continued mobilization of recovery teams and essential personnel to expedite the recovery effort.

Retail motor fuel outlets, designated as SERT members, may request priority consideration relating to re-supply of motor fuel to continue to provide fuel and necessary services to emergency responders. Emergency management agencies must take such requests into account when determining appropriate disaster response protocol.

The Department of Environmental Protections' Energy Office must review and provide a report to the Legislature, including the status of the motor fuel supply program and a list of participating retail fuel outlets by March 1, 2007.

This bill amends statute s. 501.160(2), F.S., that provides protection for consumers from inflated prices during a state of emergency. The bill requires a renewed statement of the prohibition by the Governor after 60 days.

Preemption to the State

The bill preempts regulation of and requirements for the siting and placement of an alternate power source at motor fuel terminal facilities, wholesalers, and retail sales outlets to the state. Additionally, other retail outlets are exempt from local ordinances regarding the use of personnel and submission of emergency plan for review to local authorities. The bill states that local ordinances enacted prior to July 1, 2006, are deemed unenforceable and void. However, in instances where state thresholds or standards may not exist for issues addressed by existing local ordinances dealing with emergency preparedness, the preemptions stated in the bill prohibiting all local governments from passing ordinances that may create gaps in the law and possibly leave open areas that were previously regulated for the protection of the public's welfare.

The bill provides governance preemption to the state that appears to regulate any current and prohibit any future local governance over:

1. Regulations, siting, and placement of alternative power source capabilities and equipment.
2. Use of primary or alternate personnel.
3. Submittal of emergency response plans for review.

At the following:

1. Motor fuel terminals
2. Motor fuel wholesalers
3. All other retail outlets

The bill provides that the purpose of this preemption is to insure appropriate emergency responses following major disasters.

Future regulations adopted by the state may not be inclusive of all issues and requirements faced by any specific locality. Therefore, state agencies will be required to research numerous local issues in order that the state provides adequate legislation for all locals.

Access to Residential Multi-Family Dwellings for Emergency Purposes

This bill requires all multifamily dwellings, as defined in F.S. 399.035 (2) and rules adopted by the 2004 Florida Building Code, as well as all newly constructed multifamily dwellings that are at least 75 feet high and contain a public elevator, to have at least one public elevator that is capable of operating on an alternate power source, and for a specified number of hours each day over a 5-day period following a disaster that disrupts the normal supply of electricity. The alternate power source, which controls

elevator operation, must also be capable of powering any connected fire alarm system in the building, as well as all required emergency lighting to portions of the building used by the public.

Each multi-family dwelling must have an available generator and fuel source on the property or have proof of a current guaranteed service contract for such equipment and fuel source for elevator operation on an on-call basis within 24 hours after a request. Compliance with installation requirements and operational capability requirements must be verified by local building inspectors and reported to the county emergency management director by December 31, 2007. In regards to newly constructed multifamily dwellings, installation and operational capability requirements must be verified by local building inspectors and reported to the emergency management agency prior to occupancy.

The bill requires each person, firm, or corporation required to maintain an alternate power source under s. 553.509(4), F.S., to also maintain a written emergency operations plan detailing the sequence of operations before, during, and after a disaster or emergency situation. The bill provides criteria to be included in the operations plan, such as:

- A life safety plan for evacuation;
- Maintenance of the electrical and lighting supply; and
- Provisions for the health, safety, and welfare of the residents.

Additionally, the owners or operators of the multifamily dwelling must keep, on file, written records of inspections of all equipment, confirming that the equipment is properly maintained and in good working order, as well as any contracts for alternate power generation equipment. The written operations plan and inspection records are to be provided to local and state government agencies, when requested, for review. The bill requires the owner or operator of a multifamily dwelling to keep a generator key in a lockbox posted at or near any installed generator unit.

The bill also requires owners of multistory affordable residential dwellings for persons age 62 and older that are financed or insured by the United States Department of Housing and Urban Development, to make every effort to obtain grant funding at the federal or state level to comply with the requirements of s. 553.509(4), F.S. If this is not possible, the owner must develop a plan with the local emergency management agency to ensure that residents are evacuated to a place of safety in the event of a power outage resulting from a disaster or an emergency situation that disrupts the normal supply of electricity for an extended period of time. A place of safety may include, but is not limited to, relocation to an alternative site within the building or evacuation to a local shelter.

The bill revises the requirements for annual elevator inspections to confirm that:

- Installed generators are in working order;
- Inspection records are current;
- The lockbox with key are in the appropriate location;
- If the building does not have an installed generator, the appropriate pre-wiring and switching capabilities are operational; and
- A valid contract for alternate power is in effect.

Division of Emergency Management Responsibilities/Public Awareness Campaign

One of the duties of the DEM is to institute a statewide public awareness campaign on emergency preparedness issues.⁴

The bill expands the information in the campaign to include:

- The personal responsibility of individual citizens to be self-sufficient for up to 72 hours following a natural or manmade disaster; and
- Relevant information on statewide disaster plans, evacuation routes, fuel suppliers, and shelters.

⁴ s. 252.35(2)(i), F.S.

The bill provides for all educational materials to be available in alternative formats and mediums to ensure they are available to persons with disabilities.

The bill requires the division and the Department of Education to coordinate with the Agency for Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited English skills and identify persons who are in need of assistance but are not defined under special-needs criteria. The bill appropriates \$3.4 million for the public awareness campaign.

The bill requires the Division to complete an inventory of all state and local owned portable generators capable of operating during a disaster. The inventory must include location and other identifying information. The Division is also responsible for maintaining an inventory of all private entities that lease or sell generators, including contact information. This inventory list shall be available for public inspection.

Minimum Criteria for County Emergency Operations Centers

The bill provides that county emergency operations centers should meet the minimum criteria for structural survivability and sufficiency of operational space, as determined by assessments performed by the Department of Community Affairs based on guidance from the Federal Emergency Management Agency (FEMA). Criteria for a county emergency operations center include, but are not limited to, county population, hurricane evacuation clearance time for the vulnerable population of the county, structural survivability of the existing emergency operations center, and FEMA guidance for workspace requirements for the emergency operations center.

First priority for funding will be given to county emergency operations centers where no survivable facility exists and where workspace deficits exist. Funding provided for these purposes may not be used for land acquisition or recurring expenditures. Funding is also limited to the construction or structural renovation of a county emergency operations center in order to meet national workspace recommendations and may not be used to purchase equipment, furnishings, communications, or operational systems. The bill appropriates \$20 million nonrecurring GR and \$8.6 million from the U.S. Contributions Trust Fund to the Department of Community Affairs to establish a competitive award process to distribute those funds for improvements to emergency operation centers.

Logistical Staging and Warehouse Capacity

The bill provides Legislative findings that improved logistical staging and warehouse capacity for commodities will help ensure that adequate supplies, equipment, and commodities are available and accessible to respond to disasters. The bill appropriates \$400,000 from nonrecurring GR, \$1.6 million recurring funds from the Emergency Management, Preparedness and Assistance Trust Fund (EMPA), and \$4.5 million from nonrecurring funds within the EMPA Trust Fund to the Department of Community Affairs to increase storage capacity; improve technologies to manage commodities; and enhance the ability to maintain an inventory of supplies, equipment and commodities that would be needed immediately after a disaster.

Evacuation Plans

The bill provides Legislative findings that there is a compelling need to have current evacuation decision making tools and plans based on the latest technology available for hurricane evacuation recommendations. The bill appropriates \$29 million from the U.S. Contributions Trust Fund to the DCA for updating regional hurricane evacuation plans. The appropriation will be invested in Light Detection and Ranging technology which uses pulses of laser light to collect information on the terrain, and the National Hurricane Center's Sea, Lake and Overland Surges for Hurricanes model, which estimates storm surge heights and winds.

Severability

The bill provides a severability clause, stating that if any provision of s. 526.143, F.S., or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of s. 526.143, F.S.

C. SECTION DIRECTORY:

- Section 1. Directs the Department of Community Affairs to conduct a feasibility study on distribution of essential commodities in the state's emergency management plan.
- Section 2. Creates s. 526.143, F.S., establishes criteria for requiring varying levels of alternate generated power capacity for motor fuel dispensing facilities and retail motor fuel outlets.
- Section 3. Creates s. 526.144, F.S., establishes the Florida Disaster Motor Fuel Supplier Program. Provides preemption to the State regarding the regulation of motor fuel retail outlets and other retail outlets.
- Section 4. Amends s. 501.160 F.S., Limits the duration of the price gouging prohibitions under a declared state of emergency requiring renewal by statement after the initial declaration.
- Section 5. Amends s. 553.509(4), F.S., establishes criteria for alternate generated power source for residential multifamily dwellings providing emergency vertical accessibility. This section also provides for inspection procedures for elevator power source revisions and maintenance and requires specified entities to develop and maintain emergency operations plans.
- Section 6. Amends s. 252.35, F.S. provides additional information to be included in the Division of Emergency Management's public awareness programs. This section also requires the division to create and maintain an inventory of generators owned by the State and local governmental entities. Additionally this section authorizes the division to keep a list of private sector entity generator suppliers.
- Section 7. Provides that county emergency operations centers should meet the minimum criteria for structural survivability and sufficiency of operational space; provides an appropriation and requires the Department of Community Affairs to establish a competitive award process to distribute those funds for improvements to emergency operation centers.
- Section 8. Provides an appropriation to the Department of Community Affairs to increase storage capacity; improve technologies to manage commodities; and enhance the ability to maintain an inventory of supplies, equipment and commodities that would be needed immediately after a disaster.
- Section 9. Provides an appropriation to the Department of Community Affairs to provide new technology and tools to improve the understanding of storm surges and update regional evacuation plans.
- Section 10. Provides an appropriation to the Department of Community Affairs for a feasibility study to distribute to essential commodities.
- Section 11. Provides an appropriation for the Division of Emergency Management's Public awareness campaign
- Section 12. Provides for a severability clause.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides a nonrecurring appropriation of \$20 million from the General Revenue Fund and \$8.6 million from the U.S. Contributions Trust Fund to the Department of Community Affairs in fixed capital outlay to provide for the construction or structural renovation of county emergency operations centers.

The bill provides a nonrecurring appropriation of \$400,000 from the General Revenue Fund, a recurring appropriation of \$1.6 million and a nonrecurring appropriation of \$4.5 million from the Emergency Management, Preparedness and Assistance Trust Fund to the Department of Community Affairs to increase storage capacity; improve technologies to manage commodities; and enhance the ability to maintain an inventory of supplies, equipment and commodities that would be needed immediately after a disaster.

The bill appropriates \$29 million from the U.S. Contributions Trust Fund to the Department of Community Affairs to provide new technology and tools to improve the understanding of storm surges and update regional evacuation plans.

The bill also provides a nonrecurring appropriation of \$76,150 from the General Revenue Fund to the Department of Community Affairs to fund the Department of Community Affairs' feasibility study and \$3.4 million from the U.S. Contributions Trust Fund to fund the Division of Emergency Management's public awareness campaign.

The Department of Agriculture and Consumer Services states that inspections required by this bill can be handled within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Based on the results of the feasibility study, there will be an indeterminate impact on local government revenues from the fees from local businesses that voluntarily seek to obtain certification as a state disaster supplier.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The direct economic impact on the private sector will include the purchase and installation of a transfer switch for each building unit or the purchase and installation of a generator. The transfer switch must be able to accept an alternate power source. The cost of the transfer switch is approximately \$6,000 to \$10,000 depending on the specifications of the building. The purchase of a generator costs

approximately \$300 to \$500 per kilowatt.⁵ Cost estimates will vary depending on the size and needs of each building. Businesses can choose to contract with a service provider if they do not want to incur the cost of purchasing a generator. The service contract costs will vary depending on the need, size, and specification of the building.

The Department of Community Affairs will be conducting a feasibility study on incorporating into the state's emergency management plan the logistical supply and distribution of essential commodities by non-governmental agencies and private entities. The results will be included in the report, due February 1, 2007, to the Governor, the Speaker of the Florida House of Representatives, and the President of the Florida Senate.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties and municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 4, 2006, the Finance and Tax Committee adopted two amendments to the bill. One amendment added a section to the bill that provided minimum operating criteria for county emergency operations centers. Also, the amendment specified that funding under this section is limited to the construction or structural renovation of county emergency operations centers. In addition, the amendment appropriated \$20 million from nonrecurring General Revenue and \$8.6 million from the U.S. Contributions Trust Fund to the Department of Community Affairs in fixed capital outlay to provide for the construction or structural renovation of county emergency operations centers.

The amendment also appropriated \$826,150 from recurring General Revenue to the Department of Community Affairs, which included \$76,150 to fund the Florida Disaster Supplier Program Council and \$750,000 to fund the Division of Emergency Management's public awareness campaign.

⁵ www.northerntool.com

The other amendment removed the motor fuel tax credit for retail motor fuel outlets that install generators or other equipment for an alternative power source.

The bill was then reported favorably with a committee substitute, and this analysis reflects the changes contained in the amendments adopted by the Finance and Tax Committee.

At the April 17, 2006 meeting, the Fiscal Council approved HB 7121 with one amendment. The amendment removed the bills appropriations and provided:

- A \$28.6 million appropriation and requires the Department of Community Affairs to establish a competitive award process to distribute those funds for improvements to emergency operation centers.
- A \$6.5 million appropriation to the Department of Community Affairs to increase storage capacity; improve technologies to manage commodities; and enhance the ability to maintain an inventory of supplies, equipment and commodities that would be needed immediately after a disaster.
- A \$29 million appropriation to the Department of Community Affairs to provide new technology and tools to improve the understanding of storm surges and update regional evacuation plans.
- A \$76,150 appropriation to the Department of Community Affairs to fund the Florida Disaster Supplier Program Council and \$3.4 million from the U.S. Contributions Trust Fund to fund the Division of Emergency Management's public awareness campaign.

On April 21, 2006, the State Administrative Council adopted two amendments to the strike-all amendment. The bill was reported favorable and this analysis reflects the changes contained in the amendments adopted by the State Administrative Council.

The first amendment to the amendment was a technical change. It corrected the appropriation amount from \$4 million to \$3.4 million for the Division of Emergency Management's public awareness campaign.

The second amendment to the amendment preempted to the state all local ordinances related to emergency management responses following major disasters in the regulation of alternate power source capabilities and equipment at motor fuel terminal facilities. Additionally, local governing bodies can not adopt any ordinance related to the use of alternate power sources for these facilities.

This analysis is drafted to the strike all amendment as amended.